IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1037 OF 2007

M/s.Bhoomi Developments Pvt. Ltd. ....Petitioner
V/s
Yuvraj Laxmanrao Gadhave & Ors.. ....Respondents.

Mr.A.V.Anturkar i/by Mr.Sugandh Deshmukh, Adv. For the petitioner.

Mr.Girish S. Godbole, Adv. For Respondent Nos.1, 2a to 2c.

CORAM: A.P.DESHPANDE, J.
24/10/07

PC:

The civil suit is admittedly fixed for arguments of the parties. By the impugned order in substance the trial Court has declined the permission to issue witness summons. The petitioner wanted a witness to be examined with a view to establish the prevailing rent. Record reveals that one witness has alrealdy been examined. Perused the prayer in the plaint. The suit is for removal of structure and possession. Perused the impugned order so also the affidavit in reply filed by respondent and to be more precise from paragraphs 4 to 7. Having regard to the totality of facts and circumstances I decline to interfere with the impugned order at this stage. Leaving all questions raised in the writ petition open to be agitated in regular civil appeal if and in case decree is passed against the present petitioner, writ petition is summarily dismissed.

24.10.07